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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 INDEPENDENT ROOFING ) Case No. C 05-03605 JW (HRL)  
CONTRACTORS COUNCIL )  
13 APPRENTICESHIP TRAINING TRUST )  
FUND *ex rel.*, ROYAL ROOFING, INC., )  
14 Petitioner, )  
15 v. )  
16 ELAINE CHAO, in her official capacity as )  
Secretary of Labor, and the UNITED )  
STATES DEPARTMENT OF LABOR, )  
18 Respondents,

19 ROOFERS UNION LOCAL NO. 81,

20 Intervenor.

22 The parties to this action hereby stipulate and request as follows:

23 Plaintiff filed this action on September 7, 2005. The Office of the United States Attorney  
24 was served on March 13, 2006. Accordingly, because this case seeks review on an  
25 administrative record, the case is subject to the requirements of Local Rule 16-5, and the  
26 defendant's response to the complaint and the administrative record are due on June 12, 2006.

27 Instead of the deadlines set forth in Rule 16-5, the parties propose the following schedule:

28 **June 12, 2006:** Defendant to file a certified copy of the administrative record.

**June 26, 2006:** Defendant to file a motion for summary judgment and/or other dispositive motion.

**July 17, 2006:** Plaintiff and/or intervenor to file any oppositions to defendant's motion, and file any counter-motions.

**August 7, 2006:** File reply, if desired, to defendant's motion. File oppositions to counter-motions, if any.

**August 21, 2006:** File optional replies to counter-motions, if any.

As anticipated by Rule 16-5, the matter would then be deemed submitted unless the Court requests further briefing or oral argument.

Due to the nature of this case, the parties further request that the case management conference currently scheduled for **May 15, 2006** be vacated, and that the parties be excused from participating in the Court's alternative dispute resolution procedures.

## IT IS SO STIPULATED.

Respectfully submitted,

DATED: May 1, 2006

KEVIN V. RYAN  
United States Attorney

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/s/  
CLAIRES T. CORMIER  
Assistant United States Attorney

THIERMAN LAW FIRM

DATED: May 1, 2006

/s/

## WEINBERG, ROGER & ROSENFELD

DATED: April 27, 2006

/s/

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2 Pursuant to the stipulation of the parties and good cause appearing, IT IS SO ORDERED.  
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4 DATE: May 3, 2006  
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6 JAMES WARE  
United States District Judge  
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**STIPULATION AND [PROPOSED] ORDER SETTING CASE SCHEDULE**  
Case No. C 05-03605 JW **-3-**